

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

VS.

**Richard Goodney (3)
Marcos Montanez (4)**

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CRIMINAL ACTION NO. H-13-368

ORDER

Pending before the Court is a motion filed by the Defendant Marcos Montanez (4) for continuance of the trial setting to which Richard Goodney (3) is unopposed. In accordance with 18 U.S.C. § 3161, the basis for the continuance is the finding that the ends of justice served in granting such continuance outweigh the best interests of the public and the Defendants in a speedy trial.

The Court finds that, pursuant to 18 U.S.C. § 3161, a failure to grant continuance in this case would deny counsel for the Defendants the reasonable time necessary for effective preparation taking into account the exercise of due diligence and would thereby result in a miscarriage of justice for the Defendants.

The Defendants recites that there has been inadequate time to sufficiently prepare for trial. Denial of the reasonable time necessary for effective trial preparation is expressly enunciated in 18 U.S.C. § 3161 as a factor in determining that a continuance in the ends of justice would outweigh the public's interest in a speedy trial.

IT IS HEREBY ORDERED that the Defendants' motions for continuance are **GRANTED**.

A period of excludable delay shall commence from Dec. 20, 2013, pursuant to 18 U.S.C. § 3161, and end upon the start of trial.

Motions shall be filed by: FEB. 7, 2014

Responses shall be filed by: FEB. 21, 2014

Trial of this case is hereby scheduled to commence on MARCH 10, 2014 at 1:00 p.m..

SIGNED on this the 23rd day of December, 2013.



SIM LAKE
UNITED STATES DISTRICT JUDGE